Before the Federal Communications Commission Washington, DC 20554

FCC 07M-30 06536

In the Matter of)	EB Docket No. 07-13 AUG 3 1 2007
DAVID L. TITUS)	FRN No. 0002074797 FOO inch 1.00111 File No. EB-06-IH-5048
Amateur Radio Operator and Licensee of)	THE NO. EB-00-111-3046
Amateur Radio Station KB7ILD)	DOCKET FILE COPY ORIGINAL

ORDER

Issued: August 28, 2007

Released: August 29, 2007

Statement

The parties were to seek agreement on producing documents and supplementing answers to interrogatories, and to submit a Status Report. *First Discovery Order*, FCC 07M-14, released May 25, 2007.

On June 19, 2007, the parties filed *Joint Status Report on Discovery*. The Enforcement Bureau reported that it was assessing the scope of Mr. Titus' document production and interrogatory answers in order to determine whether there was any need for further discovery. Counsel for Mr. Titus reported he was considering seeking discovery.

The parties represented that considering delays in discovery and summer vacations, "commencing the hearing on September 19, 2007, no longer appears practicable." The parties therefore requested that a further prehearing conference be scheduled "to discuss revising the hearing date, now scheduled for September 19, 2007." *Cf. Order*, FCC 07M-10, released March 30, 2007.

Rulings

For good cause, IT IS ORDERED that the Hearing scheduled for September 19, 2007, IS CANCELLED.

IT IS FURTHER ORDERED that a Prehearing Conference IS SET for September 20, 2007 at 9:30 a.m.¹

¹ Counsel for Mr. Titus must initiate telephone conference by calling Hearing Room A at 9:30 a.m. EDST at (202) 418-0166. Bureau counsel shall be in Hearing Room A shortly before 9:30 a.m.

IT IS FURTHER ORDERED that the conference agenda will include:

- A. Further discussion of pending discovery and possibilities for voluntary compliance.²
- B. Brief argument and bench rulings on opposed or refused discovery, including some or all of pending discovery requests and/or motions to compel.
- C. Establishment of procedural and hearing dates.

IT IS FURTHER ORDERED that the parties shall submit by 12 p.m. September 18, 2007, joint or separate status reports wherein each party shall represent the evidence needed to meet the party's burden of proof, and a representation as to whether obtaining specific evidence for use at hearing, will require further compulsory process.

FEDERAL COMMUNICATIONS COMMISSION³

Richard Lingal

Richard L. Sippel Chief Administrative Law Judge

² To date there have been no notices of depositions served.

³ Courtesy copies of this *Order* e-mailed to each counsel on date of issuance.